

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**FRONTLINE PLACEMENT
TECHNOLOGIES, INC.,**
a Pennsylvania corporation,

Plaintiff,

v.

PMP WILLSUB, LLC, a Michigan
Limited liability company; **PMP EDUCATION
PARTNERS, INC.**, a Michigan corporation;
**PROFESSIONAL MEDICAL PLACEMENT,
INC., d/b/a PMP CORPORATION**, a
Michigan corporation; and **MILLENIUM
DATA SERVICES, INC., d/b/a WILLSUB.COM**
a Michigan corporation,
Defendants.

Case No. 2:07-cv-14872

HON. PAUL D. BORMAN

Magistrate Judge Virginia M. Morgan

**WEST EDUCATIONAL LEASING, INC.,
d/b/a PCMI WEST**
a Michigan Corporation,

Plaintiff/Counter-Defendant,

v.

**FRONTLINE PLACEMENT
TECHNOLOGIES, INC.**
a Pennsylvania Corporation,
Defendant/Counter-Plaintiff.

Case No. 2:10-cv-10804

HON. PAUL D. BORMAN

Magistrate Judge Virginia M. Morgan

**STIPULATION AND ORDER
CONSOLIDATING AND STAYING CASES**

This Stipulation is entered into by and among the parties in Case No. 2:07-cv-14872
("Frontline/PMP WillSub Action"), Plaintiff Frontline Placement Technologies, Inc.

("Frontline") and Defendants PMP WillSub, LLC, PMP Education Partners, Inc., Professional Medical Placement, Inc. d/b/a PMP Corporation, and Millenium Data Services, Inc. d/b/a Willsub.com ("PMP WillSub"), and the parties in Case No.2:10-cv-10804 ("PCMI Action"), Plaintiff/Counter-Defendant West Educational Leasing, Inc. d/b/a/ PCMI West ("PCMI") and Defendant/Counter-Plaintiff Frontline, (collectively "Parties"), by and through their respective counsel;

WHEREAS, on January 18, 2007, Frontline filed a lawsuit against CRS, Inc. in the United States District Court for the Eastern District of Pennsylvania, Case No. 2:07-cv-02457 ("Frontline/CRS Action"), the Honorable Eduardo C. Robreno presiding, alleging, *inter alia*, infringement by CRS, Inc. of U.S. Patent 6,675,151 ("the '151 Patent") and U.S. Patent 7,430,519 ("the '519 Patent");

WHEREAS, on October 24, 2007, the United States Patent and Trademark Office granted a third-party request for *Ex Parte* Reexamination of certain claims in the '151 Patent;

WHEREAS, on November 13, 2007, Frontline filed the Frontline/PMP WillSub Action alleging infringement by PMP WillSub of the '151 and '519 Patents;

WHEREAS, on November 19, 2007, the Frontline/CRS Action was stayed pending reexamination of the '151 Patent;

WHEREAS, on May 5, 2008, the Frontline/PMP WillSub Action was stayed and closed for statistical purposes pending reexamination of the '151 Patent;

WHEREAS, on October 20, 2009, a Reexamination Certificate was issued on the '151 Patent;

WHEREAS, on January 8, 2010, the Frontline/CRS Action was transferred from the civil suspense file to the active docket;

WHEREAS, on February 26, 2010, PCMI filed the PCMI Action seeking Declaratory Judgment of Non-Infringement of the '151 Patent, '519 Patent and U.S. Patent 6,334,133 ("the '133 Patent") and Declaratory Judgment of Patent Invalidity of the '151 and '519 Patents, and Frontline filed a Counter Complaint asserting infringement by PCMI of the '151 and '519 Patents;

WHEREAS, on July 14, 2010, the Court issued a Notice of Scheduling Conference in the Frontline/PMP WillSub Action following the parties' July 9, 2010 joint filing of a request to lift the stay in that case;

WHEREAS, in the Frontline/CRS Action, a Markman Hearing is currently scheduled on December 14, 2010;

WHEREAS, counsel for the Parties have conferred, and the Parties are in agreement that the PCMI Action should be consolidated with the Frontline/PMP WillSub Action for all purposes because the cases involve common questions of law or fact, and the same or related patents issued by the United States Patent and Trademark Office, and because consolidation would advance the interests of judicial economy;

WHEREAS, counsel for the Parties have conferred, and the Parties are in agreement that, given that the claims of the '151 and '519 Patents are the subject of a Markman Hearing scheduled in the Frontline/CRS Action, the consolidated cases should be stayed pending the issuance of a Markman Order in the Frontline/CRS Action because a stay would advance the interests of judicial economy;

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the parties, that:

1. The following actions involve a common question of law or fact;

a. *Frontline Placement Technologies, Inc. v. PMP WillSub, LLC et al.*, Case No. 07-cv-14872; and

b. *West Educational Leasing, Inc. d/b/a PCMI West v. Frontline Placement Technologies, Inc.*, Case No. 10-cv-10804.

2. Pursuant to Federal Rule of Civil Procedure 42(a), Case No. 07-cv-14872 and Case No. 10-cv-10804 shall be consolidated for all purposes into one action ("Consolidated Actions").

3. The Master Docket and Master File for the Consolidated Actions shall be Civil Action No. 07-cv-14872.

4. All orders, pleadings, motions and other documents, when filed and docketed in the Master File, shall be deemed filed and docketed in each individual case to the extent applicable.

5. The Consolidated Actions shall be stayed pending the issuance of a Markman Order in *Frontline Placement Technologies, Inc. v. CRS, Inc.*, Case No. 2:07-cv-02457, pending in the United States District Court for the Eastern District of Pennsylvania, the Honorable Eduardo C. Robreno presiding.

6. Notwithstanding entry of the stay, PMP WillSub agrees that they shall produce documents sought by Frontline's First Set of Document Requests, served July 21, 2010, and shall answer Frontline's First Set of Interrogatories, served July 21, 2010, within twenty (20) days of the date of this Order.

This Stipulation is without prejudice to any other rights that any party may have.

Date: October 6, 2010

s/Ryan S. Bewersdorf

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s/Toni L. Harris

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ORDER

The above Stipulation, having been considered and good cause appearing therefore,

IT IS SO ORDERED.

DATED: October 7, 2010

S/Paul D. Borman

Honorable Paul D. Borman
United States District Judge